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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,320	02/03/2000	Ahmad Ghaemmaghami	E0545/1516P	7350

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EXAMINER

DIAZ, JOSE R

ART UNIT	PAPER NUMBER
2815	

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	09/497,320	GHAEMMAGHAM ET AL.
	Examiner José R Diaz	Art Unit 2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 February 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4,5,7,8,11,12 and 14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4,5,7,8,11,12 and 14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 10 February 2003 is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Drawings

➤ The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 10, 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

The Patent and Trademark Office no longer makes drawing changes. See 1017 O.G. 4. It is applicant's responsibility to ensure that the drawings are corrected. Corrections must be made in accordance with the instructions below.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.185(a). Failure to take corrective action within the set (or extended) period will result in **ABANDONMENT** of the application.

Claim Rejections - 35 USC § 103

➤ The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

➤ Claims 1, 4-5, 7-8, 11-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hori et al. (US Patent No. 5,320,974) in view of Applicant's Specification.

Regarding claims 1, 7-8 and 14, Hori et al. teach a method for providing a halo implant in a semiconductor device (see cols. 1-18) comprising the steps of: providing a

thin mask layer (MASK) to the semiconductor device, wherein the thin mask layer (MASK) is a thickness less than a gate height (N+ POLY-SI GATE) and covers a substantial amount of an active area (DRAIN) comprising a source region and a drain region of the semiconductor device; and providing the halo implant (B+) (see Fig. 3). However, Hori et al. fails to teach mask comprising of a DUV photoresist. Applicant acknowledges that is well known in the art to use DUV photoresist to implant the halo region (see page 1, lines 6-12). Therefore, it would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify Hori et al. to include halo mask comprised of a DUV photoresist. The ordinary artisan would have been motivated to modify Hori et al. in the manner described above for at least the purpose of protecting the desired surface of the substrate from the implantation beam.

Regarding claims 4 and 11, Hori et al. teach that a halo implant angle of about 45° (see col.6, lines 60-63).

Regarding claims 5 and 12, Hori et al. teach providing LDD regions (6a and 6b) (see Figs. 1A and 2C).

Response to Arguments

➤ Applicant's arguments filed February 10, 2003 have been fully considered but they are not persuasive. The reference Hori et al. provides the general teaching of a halo process in which a thin mask layer (MASK) is used to implant halo regions in a substrate (see Fig. 3). However, Hori et al. does not teach the claimed limitation of using a DUV photoresist as a mask. Applicant acknowledges that the DUV photoresist

material is typically used as a mask in such conventional halo implant process (see page 1, lines 6-9 of Applicant's Specification). As further evidence, the examiner cites pages 321-323 of Wolf et al. in which it is made clear that many materials including photoresist are conventionally used for masking purposes (see last paragraph of page 321 of Wolf et al.). Applicant should note that the use of conventional materials to perform their known functions in a conventional process is obvious. *In re Raner* 134 USPQ 343 (CCPA 1962).

With regards to the motivation, the motivation for modifying the Hori et al. references can be found on page 4, line 5 of Applicant's Specification (e.g. to "*consistently implant the intended area*"); and on page 321, last paragraph of the required evidence of Wolf et al. (e.g. "*[T]o restrict the ionic species from being implanted into unwanted substrate regions*"). Thus, each reference supports the motivation indicated by the examiner in which it is obvious to use a photoresist mask for protecting the desired surfaces of the substrate. Therefore, the examiner has presented a *prima facie* case of obviousness for rejecting claims 1, 4-5, 7-8, 11-12 and 14, since the references Hori et al. and the conventional method taught by Applicant are from the same field of endeavor, teach all of the limitations of the claimed invention and a motivation was provided to combine the references. As such, the rejection is considered to be proper.

Conclusion

➤ Applicant's amendment necessitated the rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José R Diaz whose telephone number is (703) 308-6078. The examiner can normally be reached on 9:00-5:00 Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 746-3891 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JRD
April 30, 2003



EDDIE LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800